UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

YOLANDA HERNANDEZ,
Plaintiff,

  v.   **CASE NUMBER: 02-2750 (DRD)**

SMITH KLINE BEECHAM
PHARMACEUTICAL, et. al.,
Defendants.

ORDER

MOTION	RULING
Date Filed: 09/14/04 **Docket #25** [] **Plaintiff** [X] **Defendant** **Title:** Informative Motion in Compliance With Court Order	**NOTED.** On August 14, 2004, the Court issued an Order (Docket No. 24) in which plaintiff's counsel was instructed to submit a motion in compliance with Court's Order showing that the orders issued previously by the Court had been served on Dr. Efrain del Valle, witness for plaintiff, in order for him to comply and produce plaintiff's medical record. The Court notes that, as of this date, eight months past the deadline provided, plaintiff's counsel have failed to comply with said order. Counsel for plaintiff is **ORDERED** to show on or before the **29th day of April 2005**, that in fact, the instant orders were served on Dr. Del Valle as ordered by the undersigned on August 14, 2004. Further, counsel for plaintiff is **Ordered to Show Cause in writing** on or before the **29th day of April 2005**, as to why remedies sought by defendant in this motion should not be granted as requested resulting from plaintiff's noncompliance with Court's Orders. Finally, counsel for plaintiff is forewarned that failure to comply with this order shall result in the imposition of severe sanctions pursuant to Rule 37, Fed.R.Civ.P.
Date Filed: 02/03/05 **Docket #32** [X] **Plaintiff** [] **Defendant** **Title:** Urgent Motion Requesting Remedy	**MOOT.** See ruling at Docket No. 33.

Date Filed: 02/03/05 <u>**Docket #33**</u> **[X] Plaintiff** **[] Defendant** **Title:** Motion for Reconsideration and Leave to File Opposition to Defendants' Motion for Summary Judgment	**DENIED.** Plaintiff's counsel moves the Court to grant leave to file an opposition to defendants' motion for summary judgment. The Court deems that the reasons provided by counsel for its failure to timely complied and file an opposition to defendants' motion for summary judgment are not "excusable neglect" justifying the Court to grant an extension of time to file said opposition. However, the Court deems that plaintiff's counsel has failed to comply with the doctrine set forth in <u>O'Connell v. Hyatt</u>, 357 F.3d 152, 154 (1st Cir., 2004)(standing for the proposition that the Court shall only extend the deadline after a showing of good cause as to why the deadline cannot be reasonable met despite certified the diligence of the party seeking the extension.) Further, the parties have been advised by the Court that having too many cases to handle is not an excuse to fail to comply with this Court's Order. The Court, consistently, has refused to accept such excuses. See. <u>Méndez v. Banco Popular de P.R.</u>, 900 F.2d 4,8 (1st Cir. 1990); <u>Pinero Schroeder v. FNMA</u>, 574 F.2d 1117,1118 (1st Cir. 1978). "The fact that an attorney has other fish to fry is not an acceptable reason for disregarding a court order". <u>Chamorro v. Puerto Rican Cars INC</u>, 304, F.3d 1, 5 (1st Cir., 2002). This mandate to the undersigned means: "Too many fish to fry is no excuse to fail to comply". The Court is not moved by counsel's reasons to extend the deadline provided specially when the instant motion is belated.
Date Filed: 02/04/05 <u>**Docket #37**</u> **[] Plaintiff** **[X] Defendant** **Title:** Motion to Strike Plaintiff's Opposition to Motion for Summary Judgment	**GRANTED.** Plaintiff's motions at Docket Nos. 34, 35 and 36 are hereby **STRICKEN**.
Date Filed: 02/22/05 <u>**Docket #41**</u> **[] Plaintiff** **[X] Defendant** **Title:** Motion Requesting Leave to File Sur-reply and Tendering the Same.	**DENIED.**

IT IS SO ORDERED.
In San Juan, Puerto Rico this 25th day of April 2005.

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S/DANIEL R. DOMINGUEZ
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE

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